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April 22, 2025

VIA ELECTRONIC FILING

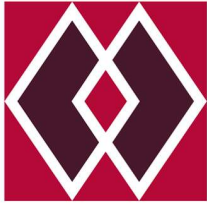
Magistrate Judge Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *U.S. v. Cherwitz, et al.*, No. 23-CR-146

Defendants write seeking clarity concerning this Court Order dated April 21, 2025. On April 8, 2025, the government filed a letter before the District Court, alleging, *inter alia*, a violation of the protective order. The District Court referred the matter to this Court. On April 21, 2025, this Court scheduled an evidentiary hearing for April 23, 2025, at 2:30 p.m. and directed “Plaintiff’s counsel” to confirm with defendants’ counsel that “all necessary participants are aware of this hearing.”

As an initial matter, undersigned counsel is simply not available on April 23, 2025, at 2:30 p.m. for an evidentiary hearing, as she is on trial in the New York Supreme Court. Beyond that, Defendants are unclear as to whether the Court expects witnesses to testify at this hearing or exactly what the Court intended when it instructed the Plaintiff’s counsel [presumably the Court meant the government attorneys] to confirm with defendants’ counsel that “all necessary participants” are aware. It is the government’s theory that a protective order was violated and therefore it is the government’s burden to prove it. Undersigned counsel has informed counsel for OneTaste, and the two OneTaste attorneys who are signatories to the protective order about the Court’s April 21, 2025, order, but beyond that, undersigned counsel has no control over Ezra Landes (the individual who wrote the letter to the US Attorney’s office) who is not a New York based attorney in any event.

Defendants respectfully request that this Court conduct this hearing on April 28, 2025, when she can be present. If this Court wishes to proceed on April 23, 2025, undersigned counsel’s associate will have to appear. Notably, undersigned counsel



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already informed government lawyers and filed a letter with this Court advising that she did not share *any* discovery with Ezra Landes including Sensitive material and had no advance knowledge that he sent a letter to the US Attorney's office. Counsel for Ms. Cherwitz has advised the same.

Respectfully submitted,

/s/Jennifer Bonjean

Counsel for Nicole Daedone

Bonjean Law Group, PLLC

/s/Celia Cohen/Michael Robotti

Counsel for Rachel Cherwitz

Ballard Spahr, LLC